

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACKSON LEWIS LLP

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Attorneys for Defendant Briefly Stated, Inc.

-----X
JOHN E. LAVIN,

Plaintiff,

-against-

BRIEFLY STATED, INC. and BRIEFLY
STATED INC. PROFIT SHARING PLAN,

Defendants.
-----X

Case No.: 09-CIV-8610 (CM)

DEFENDANTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT

To: Peter D. DeChiara, Esq.
Cohen, Weiss and Simon LLP
330 West 42nd Street
New York, New York 10036
Attorneys for Plaintiff

PLEASE TAKE NOTICE THAT, on a date to be set by the Court, before The Honorable Colleen McMahon, United States District Judge, at the United States Courthouse, 500 Pearl Street, Room 640, New York, New York 10007, Defendants Briefly Stated Inc. Profit Sharing Plan and Briefly Stated, Inc. (hereinafter "Defendants"), by and through their attorneys, Jackson Lewis LLP and Salans LLP respectively, will hereby move this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rules 56.1 of the Local Rules of Court for the Southern District of New York, for an Order granting Defendants' Motion for Summary Judgment.

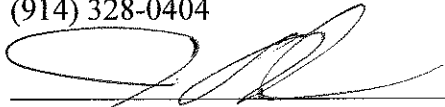
In support of their Motion for Summary Judgment, Defendants respectfully direct the Court's attention to the accompanying Local Civil Rule 56.1 Statement Of Material Facts As To Which There Is No Genuine Issue To Be Tried, Memorandum of Law, and Affirmation of Jonathan M. Kozak, Esq. In Support Of Defendants' Motion For Summary Judgment, along with all exhibits annexed thereto and likewise in support of the motion.

Pursuant to the Endorsed Letter Order (Docket No. 20), answering papers are due June 7, 2010, and reply papers are due June 14, 2010.

Respectfully submitted,

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By:


Robert R. Perry
Jonathan M. Kozak
Attorneys for Defendant Briefly Stated, Inc. Profit Sharing Plan

Dated: May 17, 2010
White Plains, New York

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CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of May, 2010, I electronically filed and served a copy of Defendants' Notice Of Motion For Summary Judgment through the U. S. District Court for the Southern District of New York CM/ECF system and via Federal Express, overnight mail, postage prepaid and addressed as follows:

Peter D. DeChiara, Esq.
COHEN, WEISS AND SIMON LLP
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New York, New York 10036
Attorneys for Plaintiff



Jonathan M. Kozak